

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ESTATE OF VALERIE YOUNG, et. al.

ECF Case

plaintiffs,

Case No.: 07-CV-06241-LAK-DCF

against

STATE OF NEW YORK OFFICE OF MENTAL
RETARDATION AND DEVELOPMENTAL
DISABILITIES, et al.,

**INDEX TO EXHIBITS
SUBMITTED IN OPPOSITION
TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

defendants.

Exhibits

- Exhibit 1** Adaptive Equipment Work Request February 3, 2005 (Bates 8721);
- Exhibit 2** Adaptive Equipment Work Request April 27, 2005 (Bates 8720);
- Exhibit 3** Authorization form for the release of medical information to the Office of the Attorney General;
- Exhibit 4** Autopsy Report, Office of Chief Medical Examiner, City of New York, (Bates 0099 - 0102);
- Exhibit 5** Case Conference of July 14, 2004 (Bates 7702-03);
- Exhibit 6** Case Conference of November 5, 2004 (Bates 7783-84);
- Exhibit 7** Case Conference of April 20, 2005 (Bates 7743-44).
- Exhibit 8** Complaint herein;
- Exhibit 9** Consultation, Physical Therapy, dated April 27, 2005 and report dated May 2, 2005 (Bates 8176);
- Exhibit 10** Consultation, Psychiatry September 17, 2004 (Bates CQC138);
- Exhibit 11** Consultation, Radiology May 5, 2005 (Bates 8180 – 8181);
- Exhibit 12** Death Transcript, Valerie Young, New York State Department of Health and Mental Hygiene;

- Exhibit 13** Declaration: Lee, Loretta
- Exhibit 14** Declaration: Young, Mrs. Viola
- Exhibit 15** Defendants' Initial Disclosure per Rule 26(a)(1), October 10, 2007;
- Exhibit 16** Defendants' Interrogatory Answers, November 30, 2007;
- Exhibit 17** Defendants' Production Response, November 30, 2007;
- Exhibit 18** Defendants' Supplemental Production Response, February 26, 2008;
- Exhibit 19** Deposition: Defendant Arya, Suresh (in part);
- Exhibit 20** Deposition: Defendant Ferdinand, Kathleen (in part);
- Exhibit 21** Deposition: Defendant Hayes, Gloria (in part);
- Exhibit 22** Deposition: Defendant Milos, Jovan (in part);
- Exhibit 23** Deposition: Defendant Uschakow, Peter taken October 30, 2007¹ (in part)
- Exhibit 24** Deposition: Defendant Uschakow, Peter taken April 11, 2008 (in part);
- Exhibit 25** Deposition: Defendant Williamson, Jan (in part);
- Exhibit 26** Deposition: Plaintiff Lee, Loretta (in part);
- Exhibit 27** Deposition: Plaintiff Young, Sidney (in part);
- Exhibit 28** Deposition: Plaintiff Young, Viola (in part);
- Exhibit 29** DVP Record Table of Contents (Bates 8035-6);
- Exhibit 30** Expert Opinion Letter and Curriculum Vitae, Richard S. Bindie MD;
- Exhibit 31** Incident Report, June 24, 2003 (Bates 8815)
- Exhibit 32** Individualized Program Plan, Annual of April 21, 2004, in part (Bates 8042 and 8047);
- Exhibit 33** Individualized Program Plan, Annual of April 13, 2005, in part (Bates 7629-30, 7633, 7653, 7681);

¹ Deposition taken in *Cosentino v. OMRDD, et al.*, 04-CV-04159-AKH (SDNY).

- Exhibit 34** Letter, October 24, 2005 – final agency determination directed to defendant Peter Uschakow (Bates 0095 - 0096) with appended article referred to as “Could This Happen” (Bates CQC267 - CQC271);
- Exhibit 35** Letter, November 5, 2005 directed to the Commission in response to their investigation of the death of Valerie Young, sent on behalf of BDC under the signature of Judith Beer (Bates CQC5);
- Exhibit 36** Letter, November 15, 2005 Commission letter dated directed to defendant Peter Uschakow (Bates CQC14);
- Exhibit 37** Letter, November 15, 2005 Commission letter directed to plaintiff Mrs. Viola Young (Bates CQC13);
- Exhibit 38** Log Book, Core Office purportedly from March 21, 2005 through June 16, 2005, Bates 9917 – 9976 (produced on legal-sized paper, reproduced to scale herein on letter-sized paper);
- Exhibit 39** Log Book Pages, Special Observation, 15 minute checks timed and dated from 9:45 am - 3:00 pm on December 17, 2004 (Bates 0307-08);
- Exhibit 40** Log Book Pages, Special Observation, 15 minute checks timed and dated from 3:00 pm - 9:30 pm on June 19, 2005 with fax cover page dated July 28, 2005 (Bates Nos. 0128 - 0130);
- Exhibit 41** Log Book Pages, Special Observation, timed and dated 3:00 pm – 8:15 pm on June 19, 2005 bearing fax date stamp July 28, 2005 at 11:06 am;
- Exhibit 42** Log Book, Wing 314 purportedly from March 18, 2005 through June 23, 2005, Bates 9977 – 10069 (produced on legal-sized paper, reproduced to scale herein on letter-sized paper);
- Exhibit 43** Manual, Brooklyn Developmental Center Policy and Procedure (in relevant part)²;
- Exhibit 44** Medicare Card, Valerie Young (Bates 8751);
- Exhibit 45** Memorandum of November 5, 2004, renewed December 22, 2004 from defendant Ferdinand directed to all staff (Bates 0013);
- Exhibit 46** Memorandum of July 13, 2005 to Peter Uschakow regarding a complaint made by Mrs. Viola Young concerning Valerie’s treatment (Bates 0003);
- Exhibit 47** Merriam-Webster Collegiate Dictionary 11th Ed. (2007) page 232 and copyright page;

² Produced by defendants in *Cosentino v. OMRDD, et al.*, 04-CV-04159-AKH (SDNY).

- Exhibit 48** Mortality Review dated July 26, 2005 (Bates 0111 – 0113);
- Exhibit 49** New York State Commission on Quality of Care and Advocacy for Persons with Disabilities (“Commission”) Case Analysis Report and Death Investigation Report (Bates Nos. CQC6 - CQC10);
- Exhibit 50** Nursing Notes March 16 – June 19, 2005;
- Exhibit 51** Occupational Therapy Note dated April 27, 2005 (Bates CQC197);
- Exhibit 52** Pretrial Order;
- Exhibit 53** Progress Notes, March 14, 2005 – June 19, 2005 (Bates 8153 and 8186 through 8192³);
- Exhibit 54** Undated note produced pursuant to Subpoena by the New York State Commission on the Quality of Care documenting Mrs. Viola Young’s complaint concerning the death of her daughter, Valerie (Bates CQC26);

Certification

I hereby certify that the exhibits enumerated in this index and filed herewith are true and correct copies.

Respectfully Submitted,

s/

Jonathan Bauer, Esq.

³ Produced by defendants out of sequence.